

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SUNGMI SUH,)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
WAL-MART STORES EAST, LP)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Wal-Mart Stores East, LP, (“Wal-Mart” or “Defendant”), named as Defendant in the action styled *Sungmi Suh v. Wal-Mart Stores East, LP*, No. CL-2020-0018149 which is currently pending in the Circuit Court for Fairfax, Virginia (the “State Court Action”), hereby removes the State Court Action pursuant to 28 U.S.C. §§ 1441(b) and 1446 and further states as follows in support of this Notice of Removal:

1. The Defendant is in receipt of a copy of a Complaint filed by Plaintiff in the State Court Action and served upon Defendant on December 1, 2020. A copy of the Complaint, summons and service of process transmittal is attached hereto as Exhibit A. Plaintiff also has served discovery requests on Defendant, which responses are not yet due. Other than the original Complaint and discovery requests, no other process, pleading and/or orders have been served on Defendant in the State Court Action.

2. 28 U.S.C. §(a) provides, in pertinent part, that:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States

3. Upon information and belief, Plaintiff is a citizen of the Commonwealth of Virginia and is not a citizen of the State of Delaware or the State of Arkansas.

4. Defendant Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner and WSE Investment, LLC is the limited partner. The principal place of business for all entities identified in Paragraph 4 is Bentonville, Arkansas.

5. A trial of the State Court Action has not yet taken place.

6. Plaintiff's prayer for relief against Defendant is in the amount of two hundred thousand dollars (\$200,000.00).

9. Thus, the Plaintiff and the Defendant have different state citizenship, the amount in controversy exceeds \$75,000.00, and this court possesses diversity jurisdiction.

10. As set forth in 28 U.S.C. § 127(a), the United States District Court for the Eastern District of Virginia embraces the geographic region where the State Court Action is pending.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of removal of the State Court Action to all known parties and the Clerk of the Fairfax County Circuit Court.

Accordingly, Defendant has complied with all applicable terms of 28 U.S.C. § 1446 and is entitled to removal of the State Court Action to this Court.

Dated: December 18, 2020

Respectfully submitted,

/s/ John M. Murdock

John M. Murdock (VSB #26647)

POTTER & MURDOCK, P.C.

252 N. Washington St.

Falls Church, VA 22046

Tel: (703) 992-6950

Fax: (703) 852-7324

Email: jmurdock@pottermurdock.com

Counsel for Defendant, Wal-Mart Stores East, LP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December 2020, the foregoing was filed with the Court's ECF system and served either electronically or via U.S. Mail, postage prepaid,

J. Chapman Petersen
Won Y. Uh
Chap Petersen & Associates, LPC
3970 Chain Bridge Rd.
Fairfax, VA 22030
Counsel for Plaintiff

/s/ John M. Murdock
John M. Murdock